

REMARKS

This Amendment and the following remarks are intended to fully respond to the Office Action dated April 8, 2004. In that Office Action, claims 1-31 were examined. More specifically, claims 1, 2, 20, 28, and 29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hoogenboom et al. (Published U.S. Patent Application No. 2002/0083171); claims 3-9, and 11-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoogenboom et al.; and claims 10, 15-19, and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Reconsideration of these objections and rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

In this Response, claim 30 has been amended to improve its form. No new claims have been added. Claims 10, 20-27 and 31 have been canceled. Therefore, claims 1-9, 11-19 and 28-30 remain present for examination.

Claim Amendments

In this Response, independent claim 1 has been amended to include the limitation of claim 10. As the Examiner indicated that claim 10 would be allowable if rewritten into independent form, the Applicants believe that claim 1, and all its dependent claims, i.e. claims 2-14 and 30, are now in allowable form.

The Applicants further amend claim 15 to be rewritten in independent form including all of the limitations of their respective base claim and any intervening claims. As the Examiner indicated that claim 15 would be allowable if rewritten into independent form, the Applicants believe that claim 15, and all its dependent claims, i.e. claims 16-19, are now in allowable form.

The Applicants further amend independent claim 28 to include the limitation of claim 31. As the Examiner indicated that claim 31 would be allowable if rewritten into independent form, the Applicants believe that claim 28, and dependent claim 29, are now in allowable form.

Applicants cancel herein claims 10, 20-27 and 31.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2, 20, 28, and 29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hoogenboom et al., (Published U.S. Patent Application No. 2002/0083171). Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. § 102(e), on the grounds that Hoogenboom does not anticipate the present invention. The effective date of Hoogenboom is December 22, 2000. However, as detailed in the attached 37 CFR 1.131 declarations (Exhibits A, B and C) and their attachment (Exhibit D), the present invention was reduced to practice prior to this date. Consequently, Hoogenboom is not prior art under 35 U.S.C. § 102(e), and therefore cannot, as a matter of law, anticipate the claims of the present invention. Withdrawal of these rejections is respectfully requested.

Claim Rejections

In light of the claim amendments, the Examiner's rejections of claims 1-9, 11-14, and 28-30 are moot, as all remaining claims now contain allowable subject matter or now depend from an independent claim that contains allowable subject matter. The Applicants reserve the right to respond to the Examiner's argument and prosecute the cancelled subject matter in a future continuing application.

Allowable Subject Matter

Claims 10, 15-19, and 31 have been objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 1 has been rewritten to be claim 10, claim 15 has been rewritten in independent form including all of the limitations of its base claim (original claim 1) and claim 31 has been rewritten to be claim 31. Therefore, Applicant respectfully requests that the objections be withdrawn.

Conclusion

Claims 1-9, 11-19 and 28-30 remain pending in this application. Applicants believe that all claims in the application are in condition for allowance, and respectfully request the application be allowed and pass to issuance as soon as possible. Should any additional issues

need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

It is believe that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: _____

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